

**R E M A R K S**

Claims 26-50 and 51-84 are pending in this application. Claims 43, 45, 47, 49 have been canceled. Claims 51-84 have been added.

Claims 26-50 are subject to a requirement for restriction which has been traversed as set forth in the Office Action on page 2, paragraph 1. Applicants respectfully traverse the requirement for election and restriction for the following reasons.

In paragraph 2, page 2 of the Office Action, the Examiner states that all claims share "a special technical feature". However, this special technical feature is alleged to "not define a contribution over the prior art". The Examiner also alleges that this special technical feature is either anticipated by or obvious over the prior art teachings such as the teachings of Ross (U.S. Patent 5,525,243, column 4, lines 47-54). The Examiner's statements regarding Ross are based upon a misinterpretation of the disclosure of the present application, which relates to a hydrophobic fiber. This is both explicitly and implicitly expressed throughout the specification. This is an essential feature of the invention as is stated, for example, on page 4, line

30 of the present specification: "An object of the present invention is therefore to provide hydrophobic thermobondable synthetic fibers". Also, the published specification, on page 5, line 38 states: "The fibers of the present invention have been found to have excellent hydrophobic properties" and on page 13, line 1, there is disclosed: "the wetting agent should also obviously be compatible with the aim of producing hydrophobic fibers and should therefore not be used in an excessive amount which could tend to give the fibers undesired hydrophilic properties". At page 21, line 5, there is stated that the fibers "All showed a sinking time of more than 24 hours, indicating that the fibers were highly hydrophobic".

Ross discloses lubricants that may be water-soluble, insoluble or marginally soluble (see column 3, lines 43-49). According to Ross, the lubricant may be selected from "ethoxylated fatty acids" and "non-watersoluble materials, such as synthetic hydrocarbon oils, alkyl esters, such as tridecyl stearate" (see column 4, lines 40-54). The anti-static agent according to Ross, may be "anionic, cationic, amphoteric or nonionic antistatic agents" (see column 3, lines 56-57 in Ross).

It is noteworthy that according to Ross, the finish utilized by Ross only comprises limited amounts of lubricant and the overall finish is **hydrophilic** in nature. This is in contrast to the present invention, in which the finish is **hydrophobic**.

Clearly according to Ross, the finish is hydrophilic in nature given that, as stated in the main claim of Ross, the finish comprises about 15 to 50% polyethylene glycol and as stated in column 5, lines 6-8 of Ross, "the polyethylene glycol" is preferably completely soluble in water. Note also that in Example I of Ross, the finish is a translucent aqueous emulsion. Example II of Ross includes even more polyethylene glycol 400 component (50%) than Example I (25%) and this will be water-soluble and hydrophilic. It appears that the Examiner is mixing the terms synonymous "finish" and "lubricant". It further appears the Examiner is using such terms in a synonymous manner. However, the Examiner should take into account the fact that the "finish" comprises 5-30% anti-static agent, 0-80% emulsifier, and 15-50% PEG, and only the balance is a lubricant. Although the lubricant may have some hydrophobic character, this does not result in a hydrophobic finish.

In support of the foregoing, the Examples I-VI of Ross are illustrative. Each Example illustrates the combination of a lubricant component and large amounts of polyethylene glycol and other hydrophilic components. The relatively hydrophilic finishes as described in Ross are not appropriate for the purpose of the presently claimed invention. These finishes and thus fibers, according to Ross, are intended for enhancing both bundle adhesion in synthetic continuous filament fibers and scroop in staple fibers (see column 1, lines 8-9 of Ross). The finish according to Ross "increases the fiber-to-fiber friction coefficients" (see column 1, line 11 of Ross). In contrast, the spin finish according to the present invention serves to prepare thermobondable fibers with optimum hydrophobic and anti-static properties, and improved carding properties. Thus, the rejections of the claims 44, 46 and 48 under 35 U.S.C. § 103(a) as unpatentable over Ross is respectfully traversed. Furthermore, the rejection of claim 50 under 35 U.S.C. § 103(a) as unpatentable over Ross further in view of Haffner et al. or Connell et al. or Willey et al. is also respectfully traversed for similar reasons. The combined teachings of Ross and those of the secondary references do not anticipate claim 50 which is directed to a composite material or non-woven

material, because none of the cited references relate to the essential features of the present invention, namely, hydrophobic fibers. It is respectfully requested that such rejections should be withdrawn by the Examiner.

Since the Examiner's basis for requiring an election and restriction is grounded on the obviousness rejection over the prior art with Ross as the principal reference, and we have argued that Ross should not be relied upon by the Examiner in any of the rejections, it follows that his reasoning concerning the election and restriction requirements is not sufficiently persuasive to overcome Applicants' traversal of those requirements under 35 U.S.C. 131 and 372. Because the Examiner has admitted that all claims relate to a single general inventive concept under PCT Rule 13.1, but argues that that special technical feature does not define a contribution over the prior art, that is, that special feature does not render the claims unobvious, it is respectfully urged that the election and restriction requirements be withdrawn.

In the event that the Examiner is unable to agree with Applicants' reasoning on this point of election and restriction being withdrawn, Applicant has submitted some claims that are within the scope of the elected Group III claims 44, 48 and 50.

Thus, claims 51-65 are submitted herewith, all of which depend directly or indirectly upon the broadest claim in Group III, namely claim 44.

In addition, Applicants have cancelled all claims in Groups I and II. In the event that the Examiner has withdrawn the requirement for restriction or election, Applicants herewith submit claims 66-84 to cover the subject matter of the non-elected claims. Such non-election is only for the sake of prosecution and the reconsideration of this requirement is still earnestly requested. The basis for claims 51-63 is found in the original claims 27-28, 31-32, 34-36, 38-40, 42 and page 11, lines 22-26 of the specification. The basis for claim 64 is found in a normalization of the values of Table I. The basis for claim 65 is found on page 25, lines 15-18 of the specification.

In view of the foregoing amendments and arguments, it is respectfully urged that favorable consideration and allowance of the present application is in order and is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward H. Valance (Reg. No. 19,896) at the telephone number of the undersigned below.

**Attached hereto is a marked-up version of the changes made to the application by this Amendment.**

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$ 920.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

(Rev. 09/26/01)



**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 43, 45, 47 and have been canceled.

Claims 51-84 have been added.